

REMARKS

Claims 95-103, 125-159, 170-182, 184-188,195, and 197-200 are currently pending. Claims 104-124 are withdrawn. Claims 160-169, 189-194 and 196 are cancelled. Applicants reserve the right to prosecute the subject matter of the withdrawn and cancelled claims in one or more continuation, continuation-in-part, or divisional applications.

Claim 95 has been amended to remove the reference to legs in the first, second and third loop containing sections.

Claims 150 and 195 have been amended to add the limitation that the loop containing sections or circumferential bands at each end of the stent are of the first loop containing sections or first circumferential bands occurring at a lower frequency than the second and third loop containing sections or circumferential bands as illustrated by FIG. 3, which shows a pattern of a stent according to the present invention as per the specification at page 10, lines 19-20. Claim 195 has been amended further to indicate that a second circumferential band occurs between every adjacent first circumferential band, as indicated in the specification at page 12, lines 3-5, insofar as section 324, which is part of the first circumferential band, occurs between the loops of any two adjacent second circumferential bands, as also illustrated by FIG. 3.

Claim 184 have been amended to add the limitation that the first and second loop containing section occurs at a higher amplitude than the third loop containing section, as illustrated by FIG. 3.

Claims 170 and 195 have been amended to remove the adjective “180-degrees” qualifying the description that the first and second curvilinear sections or even and odd circumferential bands are “out of phase” with one another as illustrated by FIG. 3.

Claims 184 and 195 are amended further to replace the term “sinusoidal” with the alternative term “curvilinear,” which is likewise similar to the term “meander pattern” as defined in the specification at page 11, lines 14-15, as “a periodic pattern about a center line.”

Lastly, claims 197-200 have been added, based on the subject matter of presently cancelled claims 160-169, except insofar as the newly added claims are dependent on pending claim 170. No new subject matter has been added by claims 197-200.

Claims 95-103, 125-159, 170-182, 184-188, 195, and 197-200 read on FIG. 3.

No new matter is introduced by these amendments and the amendments are supported by the instant specification.

Claim Rejections Under Non-Statutory Double Patenting

Claims 95-98 and 102-103 have been rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-6, 8-12, 14-17 of US Patent No. 7,141,062 and over claims 1-3, 5-6, 9-11, 13-15, 17, 21-22 of US Patent No. 6,723,119. The non-statutory double patenting rejection is traversed by the applicants; however, solely for the purpose of expediting the prosecution of the instant claims in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (September 8, 2000), a terminal disclaimer in compliance with 37 CFR 1.321(c) is attached disclaiming

the terminal part of any patent granted that would extend beyond the expiration date of U.S. Patent No. 7,141,062 or U.S. Patent No. 6,723,119 and maintaining common ownership of the patents throughout their term.

CONCLUSION

Based on the foregoing amendments and remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-4387, Order No. 92077.003us7.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4387, Order No. 92077.003us7.

Respectfully submitted,
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Dated: February 4, 2008

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